

PETER COSTEA

ATTORNEY AT LAW
TREE RIVERWAY, SUITE 1800
HOUSTON, TEXAS 77056

PHONE: 713/337-4304

FAX: 713/659-5302

July 14, 2014

The Honorable Judge Nancy Atlas
United States Court House
515 Rusk
Houston, Texas 77002

Re.: Cause Nr.: 4:12-cv-03532; Jose S. Garza v. National Oilwell Varco, L.P., In
the United States District Court for the Southern District of Texas; Houston
Division

Dear Judge Atlas:

This correspondence addresses a discovery concern of the Plaintiff.

On October 31, 2013 Plaintiff served his Second Request for Production of Documents on Defendant. (Attached) The discovery cut off was November 29, 2013. The second discovery tender requested Defendant to produce the personnel file of Galvan Oswaldo.

In July 2007 Plaintiff received a write-up concerning an altercation between him and Galvan Oswaldo. It is to be expected that Defendant will likely use this write-up against the Plaintiff in the upcoming trial.

On October 31, 2013 Plaintiff deposed Bob Miller, who was the supervisor of the Plaintiff and Mr. Oswaldo in 2007. Miller gave the Plaintiff the write-up. Miller testified he could not remember the details of the altercation. Hence, immediately after the deposition, on October 31, 2013, Plaintiff faxed to Defendant his request for Mr. Oswaldo's personnel file to ascertain whether or not he, too, had received disciplinary actions, or notations in his file over the July 2007 altercation.

Defendant did not answer Plaintiff's second request for production of documents and did not object to it. On July 8, 2014 Plaintiff emailed defense counsel a reminder that it had not answered Plaintiff's discovery and had not objected to it either. On July 14, 2014 defense counsel responded that Defendant will not produce the requested documents because the discovery request was untimely and it is irrelevant.

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Plaintiff respectfully requests that this discovery matter be taken up during the pretrial conference of July 21.

Thank you for your courtesies.

Very truly yours,


Peter Costea

encl.

PC/my

cc:

Ms. Christine White, Esq.

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Shell Square

701 Poydras Street, Suite 3500

New Orleans, Louisiana 70139

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOSE S. GARZA,
Plaintiff

v.

NATIONAL OILWELL VARCO, LP,
Defendant

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CA: H-4:12-cv-03532
Jury

PLAINTIFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS
TO DEFENDANT NATIONAL OILWELL VARCO, LP

TO: Defendant, National Oilwell Varco, LP, by and through its Attorney of Record, Mr. Jacob Credeur, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., One Shell Square, 701 Poydras Street, Suite 3500, New Orleans, Louisiana 70139.

Plaintiff, Jose S. Garza, by and through his Attorney of Record, Peter Costea, requests that Defendant National Oilwell Varco, LP, produce documents as herein described in accordance with the Federal Rules of Civil Procedure. Response to this request shall be made within thirty (30) days after service of this request and copies of the documents be delivered to Plaintiff's Counsel, Peter Costea, Three Riverway, Suite 1800, Houston, Texas 77056 for inspection and copying. In lieu thereof, Defendant may provide photostatic copies to the Plaintiff's attorney at the address indicated below.

Respectfully submitted,

BY: 

Peter Costea

TBN 04855900

Three Riverway, Suite 1800

Houston, Texas 77056

Tel. 713/337-4304

Fax 713/659-5302

ATTORNEY FOR PLAINTIFF

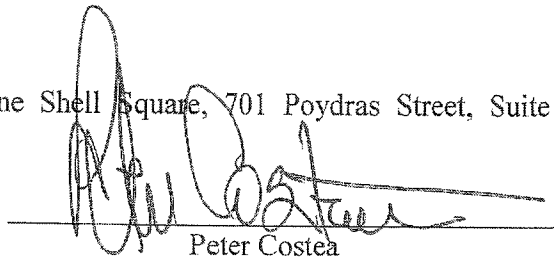
JOSE S. GARZA

CERTIFICATE OF SERVICE

I certify that on October 31, 2013 I faxed and mailed a true and correct copy of the foregoing pleading to counsel for the Defendant, Mr. Jacob Credeur, Ogletree, Deakins, Nash,

Page 2

Smoak & Stewart, P.C., One Shell Square, 701 Poydras Street, Suite 3500, New Orleans, Louisiana 70139.



Peter Costea

REQUESTS FOR PRODUCTION

Request for Production Nr.: 1

Please produce a copy of the personnel file of Galvan Oswaldo.

P. 1

* * * Communication Result Report (Oct. 31. 2013 3:59PM) * * *

1) BP LAW FIRM
2)

Date/Time: Oct. 31. 2013 3:59PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
6092	Memory TX Costea	15046483859	P. 3	OK	

Reason for error
 E. 1) Hang up or line fail
 E. 3) No answer
 E. 5) Exceeded max. E-mail size

E. 2) Busy
 E. 4) No facsimile connection

PETER COSTEA

ATTORNEY AT LAW
 THREE RIVERWAY, SUITE 1800
 HOUSTON, TEXAS 77056

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October 31, 2013

Ms. Christine White, Esq.
 Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
 One Shell Square
 701 Poydras Street, Suite 3500
 New Orleans, Louisiana 70139

Via Facsimile Transmission
 504-648-3859

Re: Cause No. 4:12-cv-03532; Jose S. Garza v. National Oilwell Varco, L.P., In
 the United States District Court for the Southern District of Texas, Houston
 Division

Dear Ms. White:

I am facing Plaintiff's Second Request for Production of Documents. The request was promoted by Mr. Miller's testimony today regarding the altercation between Plaintiff and Galvan Osvaldo. The discovery deadline is November 29. If you plan to object on grounds of timeliness, please let me know so I can take up the issue with the court in conjunction with Plaintiff's other discovery matters.

Thank you for your courtesy.

Very truly yours,

 Peter Costea

encl.
 PC/my

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October 31, 2013

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